

In the Matter of Merchant Mariner's Document No. Z-978796 and all
other Seaman Documents
Issued to: FRANK R. SABATEL

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1080

FRANK R. SABATEL

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 25 June 1957, an Examiner of the United States Coast Guard at New York, New York, revoked Appellant's seaman documents upon finding him guilty of "conviction of a narcotic drug law violation." Two specifications allege that, on or about 11 January and 17 February 1956, Appellant was convicted by the Court of Special Sessions of the City of New York, County of Kings, for two separate violations of the narcotic drug laws of the State of New York.

At the hearing, Appellant waived his right to representation by counsel and pleaded guilty to the two specifications. The Investigating Officer introduced in evidence documents showing that Appellant was convicted as alleged. At the conclusion of the hearing, the Examiner rendered the decision in which he concluded that the charge and specifications had been proved. An order was entered revoking all documents issued to Appellant.

FINDINGS OF FACT

On 11 January and 17 February 1956, Appellant was convicted on his pleas of guilty before the Court of Special Sessions of the City of New York, County of Kings, a court of record for the purposes of 46 U.S.C. 239b, for the unlawful possession and control of heroin. The first conviction was based on the commission of this offense on 10 November 1955. Appellant was given a suspended sentence of 60 days. The second conviction was for a similar offense on 24 January. Appellant was sentenced to 60 days imprisonment for the second offense.

OPINION

On appeal, Appellant states that this hearing was a result of his truthful disclosure of these convictions when he applied for an able seaman endorsement on his document. Appellant further states

that his conduct had no connection with a ship. Appellant feels that he has paid his debt to society and that the order is too severe.

Title 46 U.S.C. 239a-b provides for the revocation of a seaman's document after he has been convicted for a violation of the narcotic drug laws. The statute does not provide for any order other than revocation. Since the purpose of the statute is to deny employment on our merchant vessels to narcotics offenders, it is not material how these convictions were brought to the attention of the Coast Guard or that Appellant was not serving on a ship at the time of either of the offenses. The danger which the presence of such seaman would create on board ships is guarded against by the statute. Hence, Appellant's imprisonment, in order to satisfy the demands of society has no direct bearing on the result of this administrative proceeding. For these reasons, Appellant's contentions on appeal have no merit with respect to the propriety of the order of revocation.

ORDER

The order of the Examiner dated at New York, New York, on 25 June 1957, is AFFIRMED.

J. A. Hirshfield
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 24th day of November, 1958.